



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Applicants: Richard L. Frank, Michael J. Cusson, Joydip Kundu, and Daniel E. O'Shaughnessy

Serial No.: 09/321,090 Group Art Unit: 2858

Filed: May 28, 1999 Examiner: Walter Benson

Confirmation No.: 5972

For: A Quorumless Cluster Using Disk-Based Messaging

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10/28/2002 DNGUYEN 01 FC:1252
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

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Date Signature

DELINA RANUCCI

Typed or printed name of person signing certificate

Assistant Commissioner for Patents
Box AF
P.O. Box 2327
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated May 22, 2002 of the Primary Examiner finally rejecting claims 1-21. The item(s) checked below are appropriate:

1. Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated May 22, 2002 for two months from August 22, 2002 to October 22, 2002.
2. A [] month extension of time to respond to the Office Action Made Final dated [] was filed on [] with payment of a \$[] fee.
[] Applicant hereby petitions for an additional [] month extension of time to respond to the Office Action Made Final.
3. A Request for Oral Hearing before the Board of Patent Appeals and Interferences is being filed concurrently herewith.

4. Fees are submitted for the following:

[X] Extension of Time for two months	\$ <u>400.00</u>
[] Additional Extension of Time:	
Fee for Extension ([] mo.)	\$ _____
Less fee paid ([] mo.)	\$ _____
Balance of fee due	\$ <u>0</u>
[X] Notice of Appeal	\$ <u>320</u>
[] Other _____	\$ _____
	TOTAL \$ <u>720</u>

5. The method of payment for the total fees is as follows:

- [X] A check in the amount of \$720.00 is enclosed.
- [] Please charge Deposit Account No. 08-0380 in the amount of \$[].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH, REYNOLDS, P.C.

By 
Rodney D. Johnson
Registration No.: 36,558
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: October 22, 2002